

September 19, 1984

CONGRESSIONAL RECORD — Extensions of Remarks

E 3941

TRIBUTE TO KEN NORTON, FORMER HEAVYWEIGHT CHAMPION

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. DIXON. Mr. Speaker, on October 26, 1984, the Youth Services Unlimited organization of Los Angeles, which provides counseling employment readiness training, and sports activities to young men between the ages of 14 and 26, will pay special tribute to Mr. Ken Norton, former heavyweight champion of the world, actor, businessman, and humanitarian. I take this opportunity to join those who are honoring an exemplary family man and community leader.

Ken Norton has already distinguished himself with a boxing career that climaxed with his winning the world heavyweight boxing title in 1973. He now utilizes the spartan dedication and positive determination to succeed that earned him the heavyweight title to reach out and help young people in need.

Ken is actively involved in helping the victims of child abuse, giving financial support to a home for battered children in Beaumont, CA. He has also started a scholarship foundation to educate and encourage needy youths to obtain an education.

It is this compassion for the young people of his community that the Youth Services Unlimited organization honors on October 26, and that I commend today. To the young men of south central Los Angeles, and the young beneficiaries of his charitable contributions, Ken Norton is a strong and positive role model. His humanitarianism reflects the dedication to family and love of children that has so enriched his life, and serves as a significant reminder to us all that we can channel the positive influences of our lives to improve our society.

I am proud to pay tribute to Ken Norton and wish him continued success.

CALL TO CONSCIENCE VIGIL

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. SENSENBRENNER. Mr. Speaker, the yoke of Soviet totalitarianism is a heavy load for the Russian people to bear. The entire population is subjected to constant harassment and surveillance. This harassment is particularly severe for those men and women who choose to act in accord with their fundamental beliefs. These prisoners of conscience are often physically abused or jailed.

One innocent victim of this type of Soviet repression is Vladimir Tsukerman.

While Tsukerman's wife Ina and son Aleksandr have already been allowed to emigrate, the Soviet authorities have rejected Tsukerman's repeated attempts to join his loved ones in Israel. In part due to the unceasing efforts of the Union of Councils for Soviet Jewry and the Congressional Call to Conscience Vigil, Tsukerman was recently released from prison. Now is the time when continued public pressure can be most effective in forcing the Soviets to allow Tsukerman to emigrate.

I join my colleagues in the fight to win liberty for all Soviet prisoners of conscience.

ADMINISTRATION SPOUSE EQUITY BILL

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. DANNEMEYER. Mr. Speaker, today, I am introducing by request of the administration a Federal spouse equity bill. The purpose of the bill is to remove any bias against the spouses of Federal employees in the Federal retirement system. This bill was H.R. 4030, by the gentleman from Colorado (Mr. Schroeder), the framework for legislation approved by the House Post Office and Civil Service Committee.

In September 1983, the President proposed the Pension Equity Act (H.R. 4032), which would amend the Employee Retirement Income Security Act and the Internal Revenue Code to require private-sector pension plans to provide survivor benefits for a former spouse of a retired employee to the extent ordered by a State court in dissolving the marriage. The President's proposal would also require private pension plans to prohibit a covered employee from waiving a reduction in his annuity in order to provide survivor benefits for his current spouse, unless the spouse consents in writing to the waiver. Since the Pension Equity Act would affect only the private sector, it is necessary to amend the Civil Service Retirement law in order to bring its provisions into conformance, where appropriate, with the changes the Pension Equity Act would impose on private pension plans. The Civil Service Retirement law already requires the Office of Personnel Management to comply with State court orders stipulating that a portion of a Federal employee's retirement benefits must be paid to his or her former spouse throughout the retired employee's lifetime, and the proposal would extend this provision to permit payment of survivor benefits when a State court so orders. The retirement law now requires a retiring employee's current spouse to be informed of the employee's election to waive survivor benefits. The proposal would change this

provision to require the spouse's consent to such a waiver.

The proposal also includes a technical amendment standardizing the length-of-marriage requirement for entitlement to survivor benefits at 9 months for all widows and widowers, regardless of whether they were married to the employee at the time of retirement. Currently, the Civil Service Retirement law imposes a 1-year requirement for marriages which occur after retirement and on cases involving death-in-service, while imposing no requirement at all where a marriage exists at the time of retirement.

The legislation makes a further change to protect the spouses of Federal employees in the matter of an employee requesting a refund of retirement contributions. Because such a refund would void any later opportunity for the spouse to receive a survivor benefit, the bill requires spousal consent in the request for a refund of retirement contributions.

This legislation makes clear the commitment of this administration to equitable treatment of spouses and former spouses of employees under the Civil Service Retirement System.

Mr. Speaker, I insert a statement of purpose and section-by-section analysis of this bill at this point in the RECORD:

STATEMENT OF PURPOSE AND JUSTIFICATION
To accompany a draft bill "To amend title 5, United States Code, to provide more equitable benefits for spouses and former spouses under the Civil Service Retirement System, and for other purposes."

Last September, the President proposed the Pension Equity Act (H.R. 4032), which would amend the Employee Retirement Income Security Act and the Internal Revenue Code to require private-sector pension plans to provide survivor benefits for a former spouse of a retired employee to the extent ordered by a State court in dissolution of the marriage. The President's proposal would also require private pension plans to prohibit a covered employee from waiving a reduction in his annuity in order to provide survivor benefits for his current spouse, unless the spouse consents in writing to the waiver. Since this proposal would affect only the private sector, it is appropriate for the Office of Personnel Management to propose amendments conforming the Civil Service Retirement law, where appropriate, to these provisions of H.R. 4032.

The Office is already required, under 5 U.S.C. 8345(j), to comply with State court orders apportioning a retired employee's benefits between the employee and his former spouse at the time of divorce. However, these payments to the former spouse continue only during the retiree's lifetime, since there is no authority for the Office to pay survivor benefits to the former spouse after the retiree's death.

An amendment establishing such authority, in compliance with State court orders, would be a logical extension of the present authority under 5 U.S.C. 8345(j) to apportion retirement benefits. Under the proposed bill, the total of survivor annuities payable to the current spouse and all former spouses of a retiree could not exceed 55 percent of that retiree's annuity. In order to make it difficult for a former employee

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with future title to an annuity to evade the obligation to provide a survivor annuity for a qualified former spouse, the bill would prohibit payment of a refund of an employee's retirement contributions in lieu of annuity if the employee has a former spouse who would qualify for a survivor annuity under the bill.

The proposal would also require a current spouse's written consent to a retiring employee's decision to waive a reduction in his annuity for the purpose of providing survivor benefits. Moreover, the current spouse of a former employee with future title to an annuity would have to consent to the employee's application for a refund of his retirement contributions before the refund could be paid. These changes would be a reasonable extension of the present requirement under 5 U.S.C. § 8339(j)(2) that the current spouse of a retiring employee must be informed of the employee's decision not to provide a survivor annuity, and they would be consistent with the protections the proposal extends to the annuity rights of former spouses.

In addition to these amendments, the proposal would effect a technical change in the length-of-marriage requirement for entitlement to survivor benefits. Present law imposes a 1-year requirement for marriages which occur after retirement and in cases involving death in service, while imposing no requirement at all where a marriage exists at the time of retirement. The proposal would standardize the length-of-marriage requirement for entitlement to survivor benefits at 9 months for all widows and widowers, regardless of whether they were married to the employee at the time of retirement. Also, the proposal would deem the marriage requirement for receipt of survivor benefits satisfied in case of accidental death or in cases involving remarriage in which the aggregate time married is at least 9 months. This provision is similar to that contained in the Social Security law.

SECTION-BY-SECTION ANALYSIS

To accompany a draft bill "To amend title 5, United States Code, to provide more equitable benefits for spouses and former spouses under the Civil Service Retirement System, and for other purposes."

The first section provides the bill's title: the "Civil Service Retirement Spouse Equity Act of 1984."

Section 2 contains various amendments to provisions of chapter 83 of title 5, United States Code, concerning Civil Service Retirement.

Paragraph (1) of section 2 amends section 8339(j) to prevent a married retiring employee from electing to provide a reduced survivor annuity or no survivor annuity at all without his spouse's written consent. Under regulations to be prescribed by the Office of Personnel Management, the employee could waive the survivor annuity without his spouse's consent only if he could establish to the Office's satisfaction that the spouse's whereabouts cannot be determined. Section 8339(j) will also be amended to require a reduction in the annuity of an employee who has a former spouse entitled to an annuity under section 8341(h), as added by section 2 of the draft bill. This reduction will be eliminated if the former spouse dies or remarries before age 60, unless the retired employee elects within 1 year thereafter to continue the reduction in order to provide a greater survivor annuity for his current spouse, or unless, if the employee remarries, he elects to provide a survivor annuity for his new spouse.

Paragraph (2) of section 2 effects several amendments to section 8341, relating to survivor annuities. It amends subsections (a)

and (b) of section 8341 to standardize the marriage requirement for entitlement to survivor benefits at 9 months for all widows and widowers, regardless of whether they were married to the employee annuitant at the time of retirement. Paragraph (2) adds a new definition of "former spouse" to section 8341(a) to prevent a former spouse who was married to an employee for less than 9 months, or who was married to an employee who performed less than 18 months of civilian service, from becoming entitled to a survivor annuity under section 8341(h). Section 8341(b) is also amended to conform to the requirement in section 8339(j) that a survivor annuity cannot be waived or reduced without the spouse's written consent. Paragraph (2) of section 2 of the draft bill adds a new paragraph (4) to section 8341(b) to provide that the survivor annuity payable to the widow or widower of a retired employee shall be reduced by the amount of any annuity payable to a former spouse of the deceased retiree under section 8341(h). Section 8341(d), which provides a guaranteed minimum survivor annuity to the widow or widower of an employee who dies in service, is amended to require such an annuity to be reduced by the amount of any survivor annuity that is payable to any former spouse of the employee under the new subsection (h).

Paragraph (2) of section 2 of the bill also amends subsections (e) and (f) of section 8341. Subsection (e) provides different amounts of children's annuities depending on whether or not the employee or retiree is survived by a spouse. Under the amendment to subsection (e), the same distinction would apply according to whether or not there is a surviving former spouse. Subsection (f) provides an annuity to the surviving spouse of a former Member of Congress who has title to a deferred annuity but who dies before reaching age 62 or before filing an application for annuity. Subsection (f) will be amended to require such a survivor annuity to be reduced by the amount of any annuity payable to any former spouse of the former Member under section 8341(h). Finally, two new subsections are added to section 8341. Subsection (h) requires the Office of Personnel Management to pay a survivor annuity to the former spouse of an employee or annuitant to the extent ordered by a State court in the event of divorce or annulment, provided that the former spouse had not waived the survivor annuity before the divorce. In no case could such an annuity exceed 55 percent of the employee's benefit. This annuity would be reduced by the amount of any annuity payable to any previous former spouse of the employee or retiree. Subsection (i) deems the marriage requirement for widows and widowers satisfied in cases of accidental death or in cases involving remarriage in which the aggregate time married is at least 9 months.

Paragraph (3) of section 2 amends section 8342(a) to prohibit payment of a refund to a separated employee who has a former spouse as defined in section 8341(a)(5) and to require the current spouse of an employee to consent in writing to the employee's application for a refund.

Paragraph (4) of section 2 amends section 8345(f) to provide that the floor on annuities shall not apply to any survivor annuity payable to a former spouse under section 8341(h). It also amends section 8345(j), concerning apportionment of retirement benefits in the event of divorce, to clarify that the Office of Personnel Management will comply with orders of courts in U.S. territories and possessions, as well as in the 50 States and the District of Columbia.

Section 3 provides that the amendments made by section 2 will take effect 180 days

after enactment and will apply to an individual who, on or after the effective date, is married to an employee or member who, on or after the effective date, retires or applies for a refund under the Civil Service Retirement System. This means that no survivor annuity may be paid to any former spouse who becomes divorced before the effective date. Moreover, no survivor annuity may be paid to a former spouse of an employee who retires before the effective date, regardless of when their divorce occurs.

THE EPA SCANDAL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. FLORIO. Mr. Speaker, several weeks ago, the House Energy and Commerce Subcommittee on Oversight and Investigations, of which I am a member, released the first subcommittee report emanating from the congressional investigations of the EPA Superfund Program during the Reagan administration.

The report, released by the distinguished chairman of the Energy and Commerce Committee, JOHN DINGELL, details the destruction of the Superfund Hazardous Waste Cleanup Program by the administration's top level political appointees and gives what one reporter, Robin Goldstein of the Asbury Park (NJ) Press, describes as a "pretty convincing account of how Rita Lavelle, in her days as Assistant Administrator of the Environmental Protection Agency, used her position as czarina of the Superfund to help the political careers of certain favored elected officials."

In her article, Ms. Goldstein cites several examples from the oversight report which clearly illustrates the political manipulation of the Superfund Program and the complete disregard by the EPA of the public health and environment.

Ms. Goldstein concludes her article by writing: "Rita Lavelle, happily, is no longer at the EPA. But reading of her exploits now, one can only wonder how that sort of attitude could have prevailed for any time at all so high in the government."

Unfortunately, the one fact which emerges clearly from the subcommittee report is that the incidents at the EPA are not history about a bygone era; rather they reflect a consistent pattern of policymaking which continues at the highest levels of the administration.

Mr. Speaker, the ultimate irony of the report is that the administration continues to resist our subcommittee's effort to explore the White House's involvement in the Burford/Lavelle debacle by withholding documents detailing communications between EPA and high White House officials. The administration's clear fear that the EPA scandal will be traced to the White House reveals how

84-3498

12 September 1984

MEMORANDUM FOR: Director of Legislative Liaison
VIA: Director of Personnel
FROM:
Alcohol Program Field Coordinator/OMS
SUBJECT: Employee Bulletin dated 6 September 1984
Proposed Spousal Retirement Legislation
REFERENCE: EB No. 1137 dated 13 July 1984

1. I wish to register strongly my support for the proposed spousal legislation (H.R. 5805) introduced by Congressman Romano L. Mazzoli which was referred to the House Permanent Select Committee on Intelligence (HPSCI).

2. Because of my current position, I am aware of numerous cases that have been adversely affected by the lack of this provision. Equity and justice would indicate that those who served before current applicable legislation would benefit them should not be deprived by an arbitrary date.

